

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



October 24, 2002

ALL COUNTY LETTER NO. 02-78

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICE
PROGRAM MANAGERS
ALL JUVENILE COURT JUDGES
ALL CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: **ASSESSMENT OF RELATIVES AND NON-RELATIVE EXTENDED
FAMILY MEMBERS FOR APPROVAL AS FOSTER CARE PROVIDERS;
PLANS OF CORRECTION**

REFERENCE: All County Letters #01-85, #02-58, and #02-59

The purpose of this letter is to provide county placing agencies with newly developed forms required for the assessment and approval of relative and non-relative extended family members (NREFM) with whom dependent children and wards may be placed. Current law requires that relative or NREFM homes approved for placements must meet the same standards as licensed homes. Assembly Bill 1695 mandates that the standards used to evaluate and grant or deny approval of a relative or non-relative extended family member's home shall be the same as the core standards for licensing foster family homes, including the use of Documented Alternative Plans, Criminal Records Clearances and Exemptions, and the standards contained in Article 3 of Title 22, Division 6, Chapter 9.5 of the California Code of Regulations ("Article 3").

42 USC 671(a)(10) requires the State to establish a State authority or authorities to be responsible for establishing or maintaining standards for foster family homes and child care institutions and apply those standards to any foster family home or child care institution receiving funds under Titles IV-E or IV-B. In order to claim Federal financial participation for Title IV-E eligible children placed in approved or licensed foster family homes, the State must license or the counties must approve all foster family homes according to the same standards. This means that the counties must approve all unlicensed foster family homes using the standards identified in Division 31 at MPP subsection 31-445.3 which incorporates Title 22 Chapter 9.5, Article 3, of licensing regulations. The Federal Department of Health and Human Services has expressed concerns that since foster family homes may be approved by counties or other agencies within the State, the State needs to ensure that all agencies are applying licensing standards applicable to licensed foster family homes.

Accordingly, as set forth in County Fiscal Letter 01/02-61, counties may not claim costs associated with a child's placement in the home of a relative or NREFM as Title IV-E expenditures until the home is approved under these standards.

Assessment Forms

Therefore, beginning no later than November 1, 2002 the attached forms are to be used in assessing relative and NREFM homes to ensure that licensing/approval standards are consistently assessed, and approvals are granted or denied accordingly. These forms are to be used in the initial assessment of a relative/NREFM prior to placement, for the annual reassessment per ACL 02-59, and also for assessing previously approved homes that have not yet been reassessed per ACL 02-58. There are three forms attached: Relative or Non-Relative Extended Family Member Caregiver Assessment, Checklist of Health and Safety Standards for Approval of Family Caregiver Home, and Approval of Family Caregiver Home. For each item on an assessment form there is a reference to the relevant section of Article 3. Counties may choose to seek additional information at the time of assessment, but approval cannot be granted or denied on any basis other than the licensing/approval standards specified in Article 3.

CWS/CMS

Copies of the completed approval forms are to be maintained in the child's on-line case record in CWS/CMS. A single word-perfect document template is being constructed and detailed instructions on how and where to insert the forms will be forthcoming.

Correctable Deficiencies/Plan of Correction

For the initial approval assessment: When there are no children in care, if correctable deficiencies are noted, approval pending correction of those deficiencies can be given. However, in order to properly claim Title IV-E funding for the placement of a child in the home, the worker must first verify that the cited deficiencies have been corrected. If there are children in care at the time of initial assessment, no approval may be given unless all standards for approval are verified by the worker. Title IV-E funding cannot be claimed until this is done.

For reassessment purposes when there are children in care and correctable deficiencies are noted, the home can be reapproved with a corrective action plan put in place at the same time as the reapproval is given, provided the deficiencies cited do not present imminent danger to children in care. The worker must later verify that the prescribed corrective action was taken within the prescribed time period. If so verified, and if the re-approval is made within thirty days, the relative/NREFM placement would continue to be eligible for Title IV-E funding. If the deficiency would present imminent danger to children in care, corrective action must be taken immediately. An example of a deficiency that would present imminent danger would be

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an unlocked gun. The gun would need to be immediately locked or removed and verified by the worker. Instructions regarding deficiencies and corrective action plans are attached to the checklist of health and safety standards. If immediate correction of a deficiency which presents imminent danger to children is not made and verified by the worker, the child must be removed.

If you have any questions about this ACL, please contact Ms. Tery Dalzell, Kinship Policy and Support Unit, at (916) 324-8257.

Sincerely,

Original Signed by Sylvia Pizzini

SYLVIA PIZZINI
Deputy Director
Children and Family Services Division

Enclosures

c: CWDA

Approval of Family Caregiver Home

Pursuant to the provisions of WIC Section 319 I certify that I assessed

Name

Address

the ☐ maternal ☐ paternal ☐ NREFM _____
Relationship to child

of _____
Child's Name SS# DOB

1. CRIMINAL RECORD/ PRIOR ABUSE CLEARANCES

Criminal Record and Child Abuse records have been checked for the caregiver(s), all adults living in the home or on the premises, and other non-exempt person(s) who have routine contact with the child.

- ☐ ALL ADULTS CLEARED
☐ NOT CLEARED

2. CAREGIVER QUALIFICATIONS

- ☐ The above named prospective caregiver has been assessed as able to care for and supervise the above named child(ren) and provide for the child's special needs; Caregiver Assessment completed and attached.
☐ CAREGIVER NOT QUALIFIED.

3. SAFETY OF THE HOME AND GROUNDS

- ☐ An on-site inspection of the home's building and grounds was conducted on _____ by _____
(Date)
and the home is clean, safe, sanitary and in good repair for the safety and well-being of the child(ren), meeting required licensing/approval standards set forth in MPP 31-445.3, Checklist of Health and Safety Standards completed and attached.
☐ HOME DOES NOT MEET APPROVAL STANDARDS.

Child's Name _____

SS # _____ DOB _____

4. **CHILD'S PERSONAL RIGHTS**

☐ Information regarding the personal rights of foster children has been provided to the prospective caregiver who has agreed to provide a copy of that information to any child (or the child's authorized representative where applicable) placed in his or her home.

5. **COMPLETION OF ORIENTATION/TRAINING**

☐ The caregiver has received a summary of State approval regulations and completed the orientation provided by the county.

☐ I certify that the above named caregiver meets the standards for relative or non-relative extended family member home approval as of _____.
Date

☐ I certify that as of _____ the above named caregiver meets the standards for relative or non-relative extended family member home approval pending completion of the Plan of Correction.

☐ Plan of Correction completed on _____.
Date

☐ Plan of Correction not completed by agreed to due date.

☐ I certify that the above named caregiver DOES NOT meet the standards for relative or non-relative extended family member home approval as of _____.
Date

Assessment Approval Worker's Signature

Date

Supervisor's Signature

Date

CRIMINAL BACKGROUND CHECKS

	CLETS	CWS/CMS Search	Live Scan Appoint- ment	LIVE SCAN	DOJ CACI	FBI Requested	FBI Received	Exemption Requested	Exemption Granted	Exemption Denied	DOJ RAP- Backs Requested
Caregiver:	(Date)	(Date)	(Date)	(Date)	(Date)	(Date)	(Date)	(Date)	(Date)	(Date)	(Date)
Other Adults											

Checklist of Standards for Approval of Family Caregiver Home

Pursuant to Division 31 MPP 31-445.3, in order to be approved, all Foster Care Homes must meet the following standards, set forth in Title 22, Division 6, Chapter 9.5, Article 3.

Section	STANDARD	YES	NO	DAP	CAP
89317	APPLICANT QUALIFICATIONS				
89319	CRIMINAL RECORD CLEARANCE REQUIREMENT				
89323	EMERGENCY PLAN				
89361	REPORTING REQUIREMENTS				
89370	CHILDREN'S RECORDS				
89372	PERSONAL RIGHTS				
89373	TELEPHONES				
89374	TRANSPORTATION				
89376	FOOD SERVICE				
89378	RESPONSIBILITY FOR PROVIDING CARE & SUPERVISION				
89379	ACTIVITIES				
89387	BUILDINGS AND GROUNDS				
89387.1	OUTDOOR ACTIVITY SPACE				
89387.2	STORAGE SPACE				
89388	COOPERATION & COMPLIANCE				

Relative or Non-Relative Extended Family Member Caregiver Assessment

If any statements below are answered No, the caregiver cannot be approved. The worker should assess whether the provision of reasonable assistance or additional services to the caregiver would enable the caregiver to properly respond to the child(ren)'s needs and the child(ren)'s health and safety. If the worker later reassesses the caregiver and determines that conditions supporting the No answer have changed sufficiently to answer Yes, approval may be given at that time.

Responses to the following statements have been assessed by the undersigned.

1. The caregiver has been provided a summary of State home approval regulations and is capable, having sufficient physical and mental health, to meet these requirements for the care and supervision appropriate to the type of child(ren) to be served. [89317]

☐ Yes ☐ No

Comments: _____

2. The caregiver is aware of the child(ren)'s immediate medical, psychological, and educational needs and is able to respond to those needs. [89378]

☐ Yes ☐ No

Comments: _____

3. The caregiver understands State child abuse and neglect laws and agrees to report any circumstances indicating the child(ren) has been abused or neglected [§89361].

☐ Yes ☐ No

Comments: _____

4. The caregiver can provide the children opportunities for and encouragement in participation in group sports, leisure time, family, school and daily living activities [89379(a)].

☐ Yes ☐ No

Comments: _____

Caregiver Assessment

CHILD: _____

PROPOSED CAREGIVER: _____

5. The caregiver is able to care for the child(ren) in a healthy and safe way [§89378].

☐ Yes ☐ No

Comments: _____

6. The caregiver will ensure that only positive discipline practices which promote the health and well being of the child(ren) are used in the home, and will not use nor allow any form of discipline that violates the child's personal rights [§89372].

☐ Yes ☐ No

Comments: _____

7. The caregiver understands and agrees to maintain the child's records, including the placement agreement, health and educational records and written consent for medical/dental treatment [§89370].

☐ Yes ☐ No

Comments: _____

8. The caregiver agrees to report all changes in household composition, or change in the residence or mailing address, or absence of the caregiver from the home of more than 48 hours [§89370].

☐ Yes ☐ No

Comments: _____

9. The caregiver agrees to post emergency telephone numbers, discuss emergency situations with children and practice emergency procedures every 6 months [§89323].

☐ Yes ☐ No

Comments: _____

Caregiver Assessment

CHILD: _____

PROPOSED CAREGIVER: _____

10. The caregiver agrees to report any accidents, injuries or incidents that threaten to harm the physical or emotional health or safety of the child [§89361].

☐ Yes ☐ No

Comments: _____

11. The caregiver has been provided with a copy of the child's personal rights and understands them and agrees to ensure that all members of the household will abide by them [§89372].

☐ Yes ☐ No

Comments: _____

12. The caregiver agrees to ensure direct care and supervision is provided to meet the child's needs during participation in those activities that are sponsored by third parties [§89379(b)].

☐ Yes ☐ No

Comments: _____

13. The caregiver will provide at least three nutritious meals daily to meet the child's dietary needs. [§89376].

☐ Yes ☐ No

Comments: _____

14. The caregiver will ensure all transportation for children is provided in vehicles in safe operating condition, by a driver complying with all applicable laws [§89374].

☐ Yes ☐ No

Comments: _____

Caregiver Assessment

CHILD: _____

PROPOSED CAREGIVER: _____

Assessment Summary:

The relative/non-relative extended family member has the ability and capacity to provide care and supervision to meet the child's/children's needs.

[☐] Yes [☐] No

Signature of County CWS or Probation Worker

Phone Number

Date

CHILD: _____

PROPOSED CAREGIVER: _____

**RELATIVE or NREFM
CAREGIVER DECLARATION AND AGREEMENT**

I/We declare that:

1. I/We have been provided with a summary of the state regulations regarding the approval and operation of a relative foster home and agree to abide by them. _____ (Initial)
2. I/We agree to cooperate with the county in the maintenance of caregiver standards.
3. I/We have been provided with a copy of the child's personal rights and understand them and agree to ensure that all members of the household will abide by them.
4. I/We agree to provide for the special needs of any child placed in our care, including but not limited to:
 - To provide the services identified in the child's Needs and Services Plan and, if applicable, Transitional Independent Living Plan (§89378(b) and §89387.2) _____ (Initial)
 - If the child is a minor parent, to provide direct care and supervision of the child of the minor parent whenever the minor parent is at school or otherwise unavailable/unable to care for the child (§89378) _____(initial)
 - If the child has a disability, to make necessary specific provisions as required to protect and assist the child and maximize the child's potential for self-help (§89387). _____ (initial)
 - If the child is under age 10 or is developmentally disabled, mentally handicapped, or needs special care and supervision, any pools or open body of water will be secured as required by §89387(d). _____ (initial)

I/We have not and will not make any false or misleading statements associated with application for approval, including information regarding the caregiver, family members, family home, or any of the services to be provided in the home

Caregiver Name

Date

Caregiver Name

Date

Checklist of Health and Safety Standards for Approval of Family Caregiver Home

Pursuant to Division 31 MPP 31-445.3, in order to be approved, all Foster Care Homes must meet the following standards, set forth in Title 22, Division 6, Chapter 9.5, Article 3.

STANDARDS PERMITTING ALTERNATIVE PLANS <i>The following statements must be answered YES, unless not applicable or an exception is granted, to approve the home for placement.</i>	Yes	No	N/A	*Alternative
1. Adequate bedroom space is provided: [§89387(a)]				
(a) No more than 2 children share a bedroom.				
(b) No sharing a bedroom by children of opposite sex unless each child is under 5 years of age.				
(c) Each child has individual bed with clean linens, pillow, blankets, mattress in good repair.				
(d) Each bedroom has sufficient portable or permanent closet and drawer space for each child.				
(e) The child does not share a bedroom with an adult unless the child is an infant.				
(f) There are no more than 2 infants and no more than 2 adults sharing the same bedroom.				
(g) Infant has age-appropriate, safe/sturdy bassinet or crib.				
(h) No room commonly used for other purposes or as a public or general passageway to another room is used as a bedroom.				
(i) Easy passage is allowed between beds and room entrance.				
2. The home has telephone service (may be waived if telephone access is available). [§89373]				

STANDARDS NOT PERMITTING ALTERNATIVE PLANS <i>The following statements must be answered YES, unless not applicable or a corrective action plan has been agreed upon. # indicates a standard for which "not applicable" is an unacceptable response.</i>	Yes	No	N/A	»CAP
3. The home appears to be clean, safe, sanitary and in good repair. [§89387(b)]			#	
4. Indoor and outdoor halls, stairs, ramps, and porches are free of obstructions and hazards [89387(c)]			#	
5. Home contains at least 1 toilet, sink, tub or shower maintained in safe, clean operating condition. [§89387(i)]			#	
6. Bunk beds of more than two tiers must not be used. [§89387(j)]				
a. Upper tier has bed rails. [§89387(j)]				
b. Children under five years of age or those who are unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier. [§89387(j)]				
7. Home is maintained at comfortable temperature at all times.			#	

[§89387(k)]				
8. Child's safety is ensured in homes with fireplaces, open forced heaters and woodstoves. [§89387(l)]				
9. Lamps and necessary light is provided in all rooms and other areas to ensure comfort and safety of persons in the home. [§89387(m)]			#	
10. Home has indoor sprinkling system or functioning smoke detector installed in the hallway(s) of each sleeping area audible in each bedroom or sleeping room. [§89387(p)]			#	
11. Hot water from faucets is delivered at a safe temperature. [§89387(n)]			#	
12. Medicines, disinfectants, cleaning solutions, poisons, firearms and other dangerous items are stored where inaccessible to children. [§89387.2]			#	
13. Storage areas of firearms and other dangerous weapons are locked or in lieu of locked storage the applicant is utilizing trigger locks or has removed and locked the firing pin/s separately from the firearm/s. Ammunition is stored and locked separately from firearms. [§89387.2]				
14. Solid waste is stored, located and disposed of in a manner that will not permit the transmission of communicable disease or of odors, create a nuisance, or provide a breeding place or food source for insects or rodents. [§89387(o)]			#	
15. Each sleeping room has at least one operable window or door that ensures safe, direct, emergency exit to the outside. If security window bars are used, the window is considered operable only if equipped with safety release devices. [§89387(q)]				
16. Yard or outdoor activity space is provided free from hazards to life and health. [§89387.1)]			#	

* Alternative: Documented Alternative Plan must be attached.

» Correctable Deficiencies: Corrective Action Plan must be attached.

I certify that the above-named caregiver's home meets the standards for approval as described in this form.

Signature (County CWS or Probation Worker)

Date

DEFICIENCIES AND PLANS OF CORRECTION

When a violation of health and safety standards is observed, the county worker has the responsibility to determine the length of time by which a correction must be made and to provide the relative with reasonable assistance in meeting that standard. The basic factors to be considered in making this assessment are the potential consequences to a child placed in the home and the immediacy of the need to correct.

The types of deficiencies are as follows:

1. **Immediate Impact.** Deficiencies that, if not corrected, would have a direct and immediate risk to the health, safety or personal rights of the foster child. If placement is imminent, correction **MUST BE MADE** prior to placement of the child.
2. **Potential Impact:** Deficiencies that without correction could become a risk to the health, safety or personal rights of the child.

Examples of Immediate Impact Deficiencies:

For initial approval:

1. **Health Related:** unlocked medications, inappropriate storage of medications.
2. **Food Service:** food contaminated with mold, fungus or bacteria; bloated or ruptured canned foods; infestation of insects or vermin; unsanitary conditions in food preparation areas that present immediate health hazard; storing of food next to or with toxic substances.
3. **Building and Grounds:** no fence or approved cover for bodies of water; broken stair or stair railings; poisons, toxic substances, firearms in areas accessible to children; unlit stairwells used by children.
4. **Fixtures, Furniture, Equipment and Supplies:** toilet not in working condition, garbage accessible to children, unsafe fireplace or heaters that are in use, unsafe water temperature, condition of bedding or towels is unsanitary, furniture is broken and could cause injury if used.
5. **Criminal record Clearance and Child Abuse Index Check:** failure to obtain a CLETS clearance and submit a fingerprint or Criminal Record Clearance and Child Abuse Index Check for those individuals whom have frequent and routine contact with the child(ren) in care.

For re-assessment, all of the above, and:

1. Personal Rights: abuse, neglect, inappropriate use of restraints, the use of corporal punishment, and similar violations having a direct negative impact on either the physical or emotional well-being of children in care.
2. Health Related Services: storing mislabeled, unlabeled, outdated or discontinued medications; failure to ensure that needed medical care is provided to those in care.
3. Food Service: failure to maintain enough food to meet the needs of the children for the next 24 hours.
4. Care and Supervision: child requires a level of care that cannot be met by the caregiver without the provision of additional supports or services.
5. Supplies: failure to maintain enough basic hygiene items to meet the needs of the child(ren).

Examples of Potential Impact Deficiencies:

For initial approval:

1. Food Service: failure to clean dishes and utensils.
2. Buildings and Grounds: conditions that may have a negative impact on children in care if not corrected, such as multiple conditions that indicate an overall deterioration of the home; widespread neglect of maintenance; unsanitary living and food preparation areas.
3. Furniture, Fixtures, Equipment and Supplies: furnishings should be considered as deficient only when they are clearly damaged to the extent they are not functional, (e.g., a tear in the seat of a chair vs. exposed springs); no operable sink or shower; inadequate linens.

For re-assessment, all of the above, and:

1. Reporting Requirements: Failure to notify the Department regarding incidents of abuse, neglect, death, injury, etc. as required by §89361.
2. Record Keeping: Failure to maintain children's records as required by §89370.

Plan of Correction

When a child welfare worker has determined that a deficiency exists, the proposed caregiver and the worker will discuss each deficiency and develop a plan for correcting each deficiency. If the deficiency is not corrected during the visit, then the plan of correction must be in writing, with a copy provided to the caregiver, and shall include at least the following information:

1. Citation of the regulation section that is violated.
2. Description of the nature of the deficiency.
3. The actions to be taken by the applicant and the assistance to be provided by the County.
4. The date by which each deficiency shall be corrected.
5. The phone number of the county office responsible for approval of the home.

WHEN THERE ARE CHILDREN IN THE HOME, THE WORKER MUST REQUIRE IMMEDIATE CORRECTION OF A DEFICIENCY IF THE DEFICIENCY WOULD POSE AN IMMEDIATE THREAT TO THE HEALTH AND SAFETY OF CHILDREN. UNDER THESE SAME CIRCUMSTANCES, IF THERE ARE NO CHILDREN IN CARE, AND PLACEMENT IS IMMINENT, CORRECTION SHOULD BE WITHIN 24 HOURS OR LESS, AND BEFORE PLACEMENT IS MADE. OTHERWISE, THE DATE FOR CORRECTING A DEFICIENCY SHALL NOT BE MORE THAN 30 CALENDAR DAYS FOLLOWING THE DATE OF THE VISIT, UNLESS THE WORKER DETERMINES THAT THE DEFICIENCY CANNOT BE CORRECTED IN 30 CALENDAR DAYS. IN THIS CASE, THE WORKER MUST DETERMINE AN APPROPRIATE COMPLETION DATE. *TITLE IV-E IS NOT AVAILABLE UNTIL THE MONTH IN WHICH THE CORRECTIONS ARE COMPLETED AND THE HOME FULLY MEETS THE STANDARDS.*

THE CORRECTIVE ACTION PLAN SHALL SPECIFY CORRECTIVE ACTIONS WHICH MUST BE TAKEN WITHIN 30 DAYS AND THE DATE ON WHICH THE CORRECTIONS WILL BE COMPLETED.

In determining the date for correcting a deficiency, the worker should consider the following:

1. Whether there are children in care.
2. The potential hazard presented by the deficiency.
3. The availability of equipment or personnel necessary to correct the deficiency.
4. The estimated time necessary for delivery and installation of any necessary equipment.

If a written plan of correction is used, the worker is responsible for ensuring corrections have been completed within the required timeframes.